



City of San Antonio

Agenda Memorandum

File Number: 17-1135

Agenda Item Number: 6.

Agenda Date: 1/9/2017

In Control: Board of Adjustment

Case Number: A-17-032
 Applicant: Eduardo Quintana
 Owner: Eduardo Quintana
 Council District: 9
 Location: 11022 Baltic Street
 Legal: Lot 6, Block 10, NCB 11726
 Description:
 Zoning: "MF-33 AHOD" Multi-Family Airport Hazard Overlay District
 Case Manager: Shepard Beamon, Senior Planner

Request

A request for 1) a variance from the requirement that prohibits parking or drives be located within 20 feet of the front property line and 2) a five foot variance from the 10 foot rear setback to allow a multi-family dwelling to be five feet from the rear property line, as described in Section 35-310-1.

Executive Summary

Per the UDC, for a lot with 100 feet or more of frontage along a public street, the maximum front setback of 20 feet in "MF-33" may be extended to 90 feet provided that no parking or drives other than egress/ingress drives shall be located within 20 feet of the front property line. The lot is currently 0.4132 acres (nearly 18,000 sq. ft.) with 120 feet of street frontage. The surrounding neighborhood consists of multi-family attached dwellings with paved parking in front. The subject property is currently vacant and the intended use will be garden style apartments. The proposed site plan includes a five foot rear setback and a 67 foot setback with 22 parking stalls in the front. The subject property is located within the Lockhill Estates Unit 1 Subdivision and includes a 25 foot platted front setback. The lot is allowed to have 13 units, which require a minimum of 1.5 parking stalls per unit. The site plan calls for 22 parking stalls.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|---|--------------|
| "MF-33 AHOD" Multi-Family Airport Hazard Overlay District | Vacant Lot |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|---|--|
| North | “MF-33 AHOD” Multi-Family Airport Hazard Overlay District, “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District, “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Multi-Family Dwellings, Vacant Lots |
| South | “MF-33 AHOD” Multi-Family Airport Hazard Overlay District, “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District | Multi-Family Dwellings, Vacant Lots, Water Tower |
| East | “MF-33 AHOD” Multi-Family Airport Hazard Overlay District | Vacant Lots |
| West | “MF-33 AHOD” Multi-Family Airport Hazard Overlay District | Multi-Family Dwellings |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Plan and currently designated as Medium Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a neighborhood association.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

- 1. The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by setbacks to allow for access to air and light. The requested variances are not contrary to the public interest as the rear setback provides adequate room for maintenance without trespass. Further, the site plan provides adequate parking stalls and circulation to avoid congestion and best meet the needs of the tenants and neighboring properties.

- 2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Literal enforcement would result in unnecessary hardship as the owner cannot construct a building in the front 25 feet of the property due to the platted front setback. It would be difficult for the owner to include adequate parking and circulation and respect the 25 foot platted building setback. Further, to include a 10 foot rear setback would significantly reduce usable space on the lot.

- 3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is the intent of the Code, rather than the strict letter of the law. In this case, the intent is to provide enough of a setback to allow for long-term maintenance without trespass. The five foot setback does provide adequate space for maintenance and does produce water runoff on the adjacent property. Substantial justice will be served as the entire block includes paved parking within the front 20 feet of the property. To deny the request would not result in substantial justice.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*

The requested variances will not authorize the operation of a use on the subject property other than those specifically permitted in the “MF-33 AHOD” Multi-Family Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The proposed parking will not detract from the character of the surrounding neighborhood as all the lots on the block have parking within the front 20 feet of the property and the dwelling units located farther away from the street. Further, the five foot rear setback will not require trespass for maintenance, will not produce water runoff on the adjacent property, and is unlikely to have any other negative impact on adjacent properties.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstances are both the 25 foot platted front setback and the prohibition of parking in the front 20 feet. In order to have the required number of stalls for the number of units, in addition to circulation for traffic and adequate living space in each unit, the applicant must use portions of the lot that are within the front setback. The property related requirements place restrictions on the lot layout and leaves little room to meet the parking and circulation requirements, which is no fault of the owner.

Alternative to Applicant’s Request

The applicant would need to relocate parking behind the 20 foot setback, which could potentially reduce the number of proposed units.

The applicant would need to alter the site plan to meet the 10 foot rear setback.

Staff Recommendation

Staff recommends **APPROVAL of the request in A-17-032** based on the following findings of fact:

1. The property currently has 25 platted front setback, which eliminates the alternate of moving the building closer to the street and parking in the rear;
2. All the dwellings on the block have a similar lot layout, including parking within the front 20 feet of the property;
3. The five foot rear setback provides adequate space for maintenance and will not produce water runoff on the adjacent property.